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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/781,371

02/17/2004

Chee Siong Lee

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8791

7590

04/21/2006

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EXAMINER

UNELUS, ERNEST

ART UNIT

PAPER NUMBER

2187

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/781,371	LEE ET AL.	
	Examiner	Art Unit	
	Ernest Unelus	2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The instant application having Application No. 10/781,371 has a total of 26 claims pending in the application; there are 4 independent claims and 22 dependent claims, all of which are ready for examination by the examiner.

I. INFORMATION CONCERNING OATH/DECLARATION

Oath/Declaration

2. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in 37 C.F.R. 1.63.

II. INFORMATION CONCERNING DRAWINGS

Drawings

3. The applicant's drawings submitted are acceptable for examination purposes.

III. REJECTIONS BASED ON PRIOR ART

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. **Claims 1 and 2** are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 16 of copending Application No. 10/781,512.

5. Initially, it should be noted that the present application and Application No. 10/781,512, share one common inventor, which is Chee Lee. The assignee for both applications is INTEL CORPORATION. The examiner also notes that neither the instant application nor U.S. application 10/781,512 were the subject of a restriction by the office.

6. Claimed subject matter in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as noted below. *See In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993).*

7. Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See MPEP § 804.

8. Claim 1 is compared to claims 16 of application 10/781,512 in the following table:

Instant Application	Application 10/781,512
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<p>A system comprising:</p> <p>a trigger-matching logic to capture an incoming cycle and determine if the captured incoming cycle matches one or more of trigger conditions;</p> <p>and a control logic coupled to the trigger-matching logic to select a set of instructions upon detection of at least one matched trigger condition and to execute operations as specified by the selected set of instructions,</p> <p>wherein the set of instructions is selected based on the at least one matched trigger condition</p>	<p>A patch module comprising:</p> <p>a trigger-matching logic to capture an incoming cycle and determine if the captured incoming cycle matches one or more of trigger conditions;</p> <p>and a control logic coupled to the trigger-matching logic to select a set of instructions upon detection of at least one matched trigger condition and to execute operations as specified by the selected set of instructions,</p> <p>wherein if the captured cycle that caused a trigger is a non-posted cycle, the control logic instructs a completion queue to load the completion queue with one of the following (1) unmodified header information from the captured non-posted cycle, (2) modified header information associated with modified non-posted cycle, or (3) header information associated with a new cycle generated in response the captured cycle</p>
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In regards to “*wherein the set of instructions is selected based on the at least one matched trigger condition*” This part of the limitation is disclosing that the control logic will select a set of instruction upon detection of one matched trigger condition. This limitation has already been discloses as part of the claim; for example “a control logic coupled to the trigger-matching logic to select a set of instructions upon detection of at least one matched trigger condition.

This a provisional double patenting rejection since the conflicting claims have

not yet been patented. The double patenting rejection is also applicable to other claim in the application; claim 2 of the instant application corresponds to claim 17 of Application 10/781,512.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1-19, and 21-26** are rejected under 35 U.S.C. 102(b) as being anticipated by Bernasconi et al. (US pat. 6,158,018).

11. As per **claim 1**, Bernasconi discloses “a trigger-matching logic (**col. 9, lines 51-57, teaches that the trigger-matching logic is the logic that doest the matching between the current DSP program address and a break address correspond to a flawed DSP program stored in the ROM 18, such as at section 18b.)** to capture an incoming cycle (**col. 9, line 54 teaches the current DSP program address corresponds to the applicant incoming cycle)** and determine if the captured incoming cycle matches one or more of trigger conditions (**see col. 9, lines 51-57); and a control logic (col. 9, lines 9, lines 57 to col. 10, line 5, teaches the that the control logic is taught by Bernasconi’s patching circuitry 22, which carries out the steps of sending a branch op code to the DSP 16 followed by a branch address**

corresponding to the beginning of a block of corrected DSP program software in the RAM 20 such as in section 20b.) coupled to the trigger-matching logic to select a set of instructions upon detection of at least one matched trigger condition and to execute operations as specified by the selected set of instructions, wherein the set of instructions is selected based on the at least one matched trigger condition" (see fig. 1 and col. 9, line 57 to col. 10, line 5).

12. As per **claim 2**, Bernasconi discloses "the system of claim 1,"[see rejection to **claim 1 above**] "wherein the trigger-matching logic and the control logic are incorporated within an Input/Output (I/O) chip (**with respect to this limitation, Bernasconi discloses the logic that does the matching between the current DSP program address and a break address take place inside the patching circuitry 22 that is disclosed in fig. 2. The patching circuitry 22 is shown in fig. 1 coupled to a control logic, incorporated within an Input/output (I/O) integrated circuit chip". (see fig. 1).**

13. As per **claim 3**, Bernasconi discloses "wherein the control logic can execute an operation which involves logically combining a selected operand entry with a selected register containing information from the captured cycle (**see col. 3, lines 32-45, also, in fig. 3, Bernasconi also discloses the selected captured cycle's information is stored within a register that is now shown, as stated by Bernasconi in col. 8, lines 18-26).**

14. As per claims 4, 10, and 22, Bernasconi discloses wherein the control logic can execute an operation which causes a new cycle to be created and forwarded to a downstream bus of the I/O controller (**see col. 3, lines 47-64**).

15. As per claim 5, Bernasconi discloses wherein the control logic can execute an operation which involves modifying the captured incoming cycle (**with respect to this limitation, Bernasconi discloses a method comprising the steps of supplying the corrected software to the embedded DSP after the step of providing a branch op code followed by a branch address to the embedded DSP, and supplying data to the embedded DSP from a portion of the embedded ROM located downstream of the flawed portion thereof after the step of supplying corrected software to the embedded DSP (see col. 3, lines 32-53). Therefore, the current DSP program address is corrected from old to new. When something is corrected, it also modified. Therefore, this limitation is inherently met**).

16. As per claims 6, 14, and 26, Bernasconi discloses wherein the control logic can execute an operation which causes a timed delay or a conditional delay to be inserted (**in col. 13, lines 56-58, Bernasconi discloses a sequencer discloses in the path module, which is known in the art to “sorts data or programs into a predetermined sequence”. Bernasconi discloses this sequencer to create a delay, as disclosed**).

17. As per claims 7 and 21, Bernasconi discloses, receiving an incoming cycle

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(input data 24, fig. 1); loading information from the received cycle into a first register (see fig. 3 and col. 7, lines 50-55); comparing the information stored in the first register with trigger conditions (see fig. 3); selecting a sequence of instructions based on a matched trigger condition, and executing the selected instructions sequentially (col. 9, line 57 to col. 10, line 5) .

18. As per claim 8, Bernasconi discloses wherein the incoming cycle is received within an I/O controller chip (see fig. 1 and col. 4, lines 44-48).

19. As per claim 9, Bernasconi discloses wherein executing of the instructions comprises: logically combining a selected operand entry with a selected register containing information captured from the received cycle (see fig. 3, and col. 3, lines 29-32).

20. As per claims 11-13 and 23-25, Bernasconi discloses wherein executing the instructions comprises: modifying a cycle type section of the incoming cycle, an address section of the incoming cycle, and a data section of the incoming cycle (with respect to this limitation, Bernasconi discloses a method comprising the steps of supplying the corrected software to the embedded DSP after the step of providing a branch op code followed by a branch address to the embedded DSP, and supplying data to the embedded DSP from a portion of the embedded ROM located downstream of the flawed portion thereof after the step of supplying corrected software to the embedded DSP (see col. 3, lines 32-53). Therefore, the current DSP program address is corrected from old to new. When something is corrected, it also

modified. Therefore, this limitation is inherently met. Also, a cycle type section of the incoming cycle consists an address section of the incoming cycle, which is a form of data).

21. As per **claim 15**, Bernasconi discloses a patch module comprising: a cycle capture unit (**the patching circuitry 22, fig. 1**) to capture request cycles forwarded by a processor (**16**); a plurality of trigger registers (**18c**) to store trigger conditions; a trigger comparator (**element 42, a comparator inside the patching circuitry that is discloses in fig. 2**) coupled between the cycle capture unit (**the patching circuitry 22, fig. 1**) and the trigger registers to determine if information associated with the captured request cycle matches trigger conditions stored in the trigger registers (**see col. 9, lines 51-57**); an instruction storage to store instructions (**20b**); an instruction select unit to select a set of instructions from the instruction storage based on one or more of matched trigger conditions (**see col. 9, line 57 to col. 10, line 5**); an instruction execution unit to execute the set of instructions selected by the instruction select unit (**see col. 9, line 57 to col. 10, line 5**).

22. As per **claim 16**, Bernasconi discloses wherein the patch module (**the patching circuitry 22, fig. 1**) is embedded within an I/O controller chip (**see fig. 1 and col. 4, lines 44-48**) and can be programmed by a user to workaround conditions and defects existing in the I/O controller chip (**see col. 55-60**).

23. As per **claim 17**, Bernasconi discloses wherein the instruction execution unit can

execute an instruction that comprises: a first field to specify a type of operation to be performed (**col. 2, line 63 to col. 3 line 17**), wherein the type of operations identified by the first field includes (1) timed delay operation, (2) conditional delay operation, (3) generating new cycle operation, and (4) modifying the capture request cycle operation (**see col. 2, line 63 to col. 3 line 17**); and a second field to specify whether or not a cycle generated by the instruction is to be forwarded to downstream bus (**see col. 3 lines 32-54**).

24. As per **claim 18**, Bernasconi discloses a third field to select a register to modify (col. 12, lines 43-47); a fourth field to select an operand entry from an operand array (col. 12, lines 44-55); and a fifth field to select a logic gate for combining the selected register with the selected operand entry (col. 12, lines 47-64).

25. As per **claim 19**, Bernasconi discloses wherein the captured incoming cycle is a non-posted cycle (**see request 24 in fig. 1, which is an incoming request that has not been process or complete. The applicant discloses that "non-posted cycle" is request that require completion**).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bernasconi et al. (US pat. 6,158,018) in view of Hagan et al. (US pat. 6,158,018).

26. As per **claim 20**, Bernasconi discloses everything as claimed above, including a sixth field to specify whether or not a completion associated with the capture request cycle is to be discarded (**col. 10, lines 55-65**).

Bernasconi fails to specifically teach specifying whether a completion queue is to be loaded with information from non-posted cycle. However, Hagan suggests interrupt state to be cleared when the entry is posted, the interrupt state being associated with each entry in the queue (**see abst. and col. 4, lines 47-59**).

Bernasconi's invention and Hagan's invention's are analogous art because they are from the same field of endeavor storing data into queue from a processor. In view of such teaching, at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the patch mechanism used to detect and workaround defects and conditions existing in an integrated circuit chip as taught by Bernasconi which includes a DSP and a patching circuitry that's consist of a trigger-matching logic, further include a control logic coupled to the trigger-matching logic is modified to include a completion queue to be loaded with information from non-posted cycle as taught by Hagan.

The motivation for doing so would have been because Hagan teaches that [**"The significant instructions generally translate into increased processing time, slowing the response of the processor determining whether the current queue**

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entry is empty. Therefore, it would be advantageous to have an improvement with an apparatus for reducing the processing overhead for multiple processor or embedded processor architectures in posting events or tasks to a queue”(col. 1, lines 49-56)].

Therefore, it would have been obvious to combine Hagan and Bernasconi for the benefit of creating a patch mechanism used to detect and workaround defects and conditions existing in an integrated circuit chip to obtain the invention as specified in claim 20.

IV. RELEVANT ART CITED BY THE EXAMINER

27. The following prior art made of record and not relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See MPEP 707.05(c).

28. The following references teach a computer system used to detect, transfer data, workaround defects and conditions existing in an integrated circuit chip.

U.S. PATENT NUMBER

US 2004/0237009
US 6,463,549
US 6,314,024

VII. CLOSING COMMENTS

Conclusion

a. STATUS OF CLAIMS IN THE APPLICATION

29. The following is a summary of the treatment and status of all claims in the

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application as recommended by M.P.E.P. 707.07(i):

a (1) CLAIMS REJECTED IN THE APPLICATION

30. Per the instant office action, claims 1-26 have received a first action on the merits and are subject of a first action non-final.

b. DIRECTION OF FUTURE CORRESPONDENCES

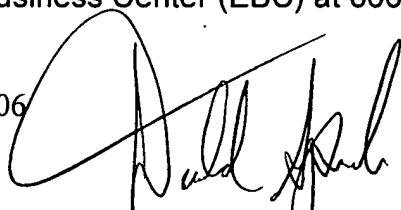
31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernest Unelus whose telephone number is (571) 272-8596. The examiner can normally be reached on Monday to Friday 9:00 AM to 5:00 PM.

IMPORTANT NOTE

32. If attempts to reach the above noted Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Donald Sparks, can be reached at the following telephone number: Area Code (571) 272-4201.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PMR system, see [her//pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217- 91 97 (toll-free).

March 31, 2006



**DONALD SPARKS
SUPERVISORY PATENT EXAMINER**

Ernest Unelus
Examiner
Art Unit 2187

